



01-28-03 CP #46 1653  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL

*(only for Continuation or Divisional applications under 37 CFR 1.53(d))*

Docket No.: 21829/240 (EBC-002)  
Express Mail No.: EV 139569569US  
Examiner: H.A. Robinson  
Art Unit: 1653

Commissioner for Patents  
Washington, D.C. 20231  
BOX: CPA

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This is a Request for filing a:

☒ continuation or  
☐ divisional application

under 37 CFR 1.53(d), continued prosecution application, (CPA) of prior application number 09/412,100, filed on October 4, 1999, of Zhong-Min Wei, Hao Fan, Jennifer J. Stephens, Steven V. Beer, and Ron Laby entitled **HYPERSENSITIVE RESPONSE ELICITOR FRAGMENTS WHICH ARE ACTIVE BUT DO NOT ELICIT A HYPERSENSITIVE RESPONSE**.

**The above-identified prior pending application is hereby expressly abandoned as of the filing date of this request for a continued prosecution application (CPA).**

1. ☒ Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Patent Application (2 pages).
2. ☒ A preliminary amendment is enclosed.
3. ☒ Copy of Petition for Change of Inventor's Name Under 37 C.F.R. § 1.182, filed May 6, 2002 (1 page).
4. ☒ Copy of Declaration of Jennifer J. Stephens, dated March 27, 2002 (1 page).
5. ☒ Combined Declaration and Power of Attorney, executed by Hao Fan on December 12, 2002 (3 pages).
6. ☒ Information Disclosure Statement (IDS) with PTO-1449 forms (11 pages) (in duplicate) and 158 references enclosed herewith.
7. The filing fee is calculated on the basis of the claims existing in the prior application as amended above:

01/29/2003 WASFAM1 00000005 09412100

01 FC:1006  
02 FC:1202

750.00 OP  
72.00 OP

	(Col. 1)	(Col. 2)	SMALL ENTITY			LARGE ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE
BASIC FEE	XXXXXXXXXX	XXXXXXXXXX	XXXXXX	\$375	OR	XXXXXX	\$750
TOTAL CLAIMS	24 - 20 =	4	x 9 =	\$	OR	x 18 =	\$72
INDEP CLAIMS	1 - 3 =	0	x 42 =	\$	OR	x 84 =	\$0
[ ] MULTIPLE DEPENDENT CLAIM PRESENTED			x 140 =	\$	OR	x 280 =	\$
*If the Total Claims are less than 20 and Indep. Claims are less than 3, enter "0" in Col. 2			TOTAL	\$	OR	TOTAL	\$822


8. [X] A check in the amount of \$822.00 is enclosed to cover the above filing fee.
9. [X] The Commissioner is hereby authorized to charge fees which may be required, or credit overpayment to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.
10. Small entity status:
- [ ] Applicant claims small entity status. (See 37 CFR 1.27.)
- [ ] A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- [ ] is no longer claimed.
11. [X] A copy of the Request for Three-Month Extension of Time in prior application.
12. [X] A self-addressed, prepaid postcard for acknowledging receipt.
13. Other:

Address all future communications to (may only be completed by Applicant, or attorney or agent of record):

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Respectfully submitted,

Date: January 27, 2003

  
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